

MONDAY, MAY 11, 1981

FORTY-SEVENTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Representative Eugene Davidson of Robertson County.

Representative Davidson led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 97

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

The Speaker announced that Representative Stafford was excused because of illness.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Monday, May 11, 1981: House Bills Nos. 438, 1319, 1320, 1321, 1322, 1324, 1326, 1327, 1328, 1329, 1330, Senate Joint Resolution Nos. 116, 117, 118, 119, House Resolution No. 50, House Joint Resolutions Nos. 210, 213 and 215, House Bills Nos. 1301, 1303 and 1304.

GILL, *Chairman.*

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared

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House Bills Nos. 429, 640, 663, 798, 929, 930, 1011, 1226, 1230 and 1318; and House Joint Resolution No. 69; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 429, 640, 663, 798, 929, 930, 1011, 1226, 1230 and 1318; and House Joint Resolution No. 69.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 186, 243, 276, 340, 387, 436, 542, 602, 625, 829, 840, 874, 891, 984, 993, 1061, 1101, 1108, 1289, 1290, 1291 and 1298; and House Joint Resolutions Nos. 185, 188, 189 190 and 196, with his approval.

JULIA GIBBONS,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 341 with his approval.

JULIA GIBBONS,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 886 and 1323; and House Joint Resolution No. 212 with his approval.

JULIA GIBBONS,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 924 without his signature.

JULIA GIBBONS,
Counsel to the Governor.

Dear Mr. Speaker,

I am returning House Bill 924 without my signature. This bill provides for a study of our state's water resources by an interagency task force and appropriates \$25,000 for that purpose to be used to match available federal funds.

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In this period of limited financial resources, it is undesirable for the General Assembly to appropriate funds for various projects in a piecemeal fashion. The proper vehicle for appropriating money to run state government is the General Appropriations Act. The administration has consistently opposed appropriations made outside the General Appropriations Act. Only a few have passed. While I am allowing this measure to become law without my signature, I will seriously consider vetoing any future piecemeal appropriations of this type.

Further, this bill is unnecessary because its objectives can be served without the additional dollars it appropriates. Given existing efforts in the area of evaluating water resource problems, new appropriations of limited state dollars are not justified.

Sincerely,

Lamar Alexander

House Bill No. 924 becomes law without the Governor's signature, as authorized by Article III, Section 18 of the Constitution of the State of Tennessee.

CALENDAR

Ms. DeBerry moved that House Bill No. 488 be placed on the Calendar for Monday, May 18, 1981, which motion prevailed.

House Bill No. 474 To make lawful to sell alcoholic beverages, commercial airports.

On motion, House Bill No. 474 was made to conform with Senate Bill No. 252.

On motion, Senate Bill No. 252, on same subject, was substituted for House Bill No. 474.

Ms. Bell (Knox) moved that Senate Bill No. 252 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 252 by adding the following additional paragraph at the conclusion of Section 3:

If any restaurant or lounge is operated by a private business enterprise under a contract with any airport authority governed by this act or any restaurant or lounge operated in a motel governed by this act that does not pay property taxes or payments in lieu of taxes to the county in which such motel is located, there is levied a privilege tax equal to the rate of five percent (5%) of the gross sales price of all alcoholic beverages sold for consumption on the premises which tax shall be in addition to all other taxes and such additional five percent (5%) tax shall be paid to the county in which such is located.

On motion, the amendment was adopted.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 252 by adding the following language to the amendatory language of Section 3 unless such language has already been added by any prior amendment or motion to substitute and conform:

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"No restaurant or lounge within a hotel or motel which are located within the boundaries of a commercial air carrier airport shall be granted a license, pursuant to this chapter, to sell wine or alcoholic beverages as defined herein unless the owners and/or operators of such a restaurant or lounge can produce satisfactory evidence of least one of the following:

- (a) property taxes
- (b) in lieu of tax payments."

AND FURTHER AMEND by deleting from the amendatory language of Section 3 the following language added by this or any other prior amendment or by a motion to substitute and conform:

- (a) property taxes
- (b) in lieu of tax payments

and substituting instead the following language:

- (a) the annual payment of property tax by the hotel or motel to the county in which the hotel or motel is located; or
- (b) the annual in lieu of tax payment by the hotel or motel to the county in which the hotel or motel is located.

AND FURTHER AMEND by deleting the words "which are located" from such amendatory language and substituting instead the words "which is located", and by deleting the words "of lease" from such amendatory language and substituting instead the words "of at least".

On motion, the amendment was adopted.

Ms. Bell (Knox) moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 252 by deleting the second paragraph of the amendatory language of Section 2 in its entirety, being the definition "Premises of a Commercial Air Carrier Airport".

Mr. Hudson moved the previous question, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 68 |
| Noes | 18 |
| Present and not voting | 2 |

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Burnett, Byrd, Carter, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Ellis, Ford, Frensley, Gaia, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Kelley, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McNally, Montgomery, Moore, Murray, Naifeh, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Small, Spence, Stallings, Starnes, Sterling, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood and Yelton—68.

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Representatives voting no were: Buck, Clark (Sumner), Cobb, Crain, Dills, Duncan, Gill, Harrill, Hudson, Johnson, Jones, Kent, King (Shelby), Miller, Owen, Shirley, Smith and Tanner.—18.

Representatives present and not voting were: Richardson and Mr. Speaker McWherter—2.

On motion, Amendment No. 3 was adopted.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

Ms. Bell (Knox) moved to amend as follows:

AMENDMENT NO. 4

Amend Senate Bill No. 252 by deleting Section 5 in its entirety.

Amendment No. 4 was adopted by the following vote:

| | |
|------------------------------|----|
| Ayes | 50 |
| Noes | 38 |
| Present and not voting | 6 |

Representatives voting aye were: Bell (Knox), Bragg, Brewer, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Covington, Davidson, Davis (Hamilton), DeBerry, DePriest, Ellis, Hudson, Johnson, Kent, Kernell, King (Shelby), King (Washington), Love, Lowe, McKinney, Miller, Montgomery, Moore, Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Ussery, Wheeler, Withers and Work—50.

Representatives voting no were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Buck, Carter, Copeland, Crain, Davis (Gibson), Davis (Pickett), Dills, Disspayne, Duer, Duncan, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jones, Kelley, Lashlee, McAfee, McNally, Shockley, Small, Turner, Wallace, Whitson, Wolfe, Wood and Yelton—38.

Representatives present and not voting were: Clark (Davidson), Jared, Percy, Richardson, Wix and Mr. Speaker McWherter—6.

Mr. Henry (Blount) moved to amend as follows:

AMENDMENT NO. 5

Amend Senate Bill No. 252 by deleting the following words and punctuation from the amendatory language of Section 2:

“Premises of a Commercial Air Carrier Airport” means the area within the property lines of a Metropolitan Airport Authority created and existing under Chapter 174 of the Public Acts of 1969 and the area encompassed by a hotel or motel operating a restaurant which was in existence and operating on January 1, 1981, and which is within two thousand feet (2000') of the property line of a Commercial Air Carrier Airport.

and substituting instead the following:

(k) “Premises of a Commercial Air Carrier Airport” means the airport terminal proper of a Commercial Air Carrier Airport.

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Mr. McKinney moved that the Amendment No. 5 be tabled, which motion prevailed by the following vote:

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|------------------------------|----|
| Ayes | 45 |
| Noes | 37 |
| Present and not voting | 7 |

Representatives voting aye were: Bell (Knox), Bivens, Bragg, Brewer, Burnett, Chiles, Clark (Sumner), Cobb, Covington, Davidson, Davis (Hamilton), DeBerry, DePriest, Ellis, Ford, Gaia, Gill, Johnson, Kent, Kernell, King (Shelby), King (Washington), McKinney, Miller, Moore, Murphy (Davidson), Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Smith, Stallings, Sterling, Tanner, Whitson, Withers and Work—45.

Representatives voting no were: Akard, Baker, Bell (Wilson), Bewley, Buck, Carter, Crain, Davis (Gibson), Davis (Pickett), Disspayne, Duer, Duncan, Frensley, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Kelley, Lashlee, Lowe, McAfee, McNally, Montgomery, Murphy (Shelby), Murray, Shockley, Small, Spence, Turner, Ussery, Wallace, Wolfe, Wood and Yelton—37.

Representatives present and not voting were: Jared, Love, Percy, Richardson, Shirley, Wheeler and Wix—7.

Mr. Henry (Roane) moved to amend as follows:

AMENDMENT NO. 6

Amend Senate Bill No. 252 by deleting the severability section in its entirety and renumbering subsequent sections accordingly.

Ms. Bell (Knox) moved that Amendment No. 6 be tabled, which motion prevailed by the following vote:

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|------------------------------|----|
| Ayes | 50 |
| Noes | 30 |
| Present and not voting | 4 |

Representatives voting aye were: Bell (Knox), Bell (Wilson), Bivens, Bragg, Brewer, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Covington, Davidson, Davis (Hamilton), DeBerry, Ellis, Gill, Harrill, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lowe, McKinney, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Smith, Stallings, Sterling, Tanner, Ussery, Whitson and Withers —50.

Representatives voting no were: Akard, Baker, Carter, Crain, Davis (Gibson), Dills, Disspayne, Duer, Duncan, Ford, Frensley, Gaia, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Kelley, Lashlee, McAfee, McNally, Richardson, Shockley, Small, Spence, Turner, Wallace, Wolfe and Yelton—30.

Representatives present and not voting were: Percy, Shirley, Wix and Wood—4.

Mr. Yelton moved to amend as follows:

AMENDMENT NO. 7

Amend Senate Bill No. 252 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

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Section . The provisions of this act shall not apply in any county having a population of not less than 120,000 nor more than 130,000 according to the 1970 federal census of population or any subsequent federal census of population.

Mr. King (Washington) moved that the Amendment No. 7 be tabled, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 47 |
| Noes | 38 |
| Present and not voting | 5 |

Representatives voting aye were: Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Burnett, Byrd, Chiles, Cobb, Davis (Hamilton), DeBerry, Ellis, Gill, Harrill, Hillis, Johnson, Jones, Kent, Kernell, King (Washington), Lowe, McKinney, Miller, Montgomery, Moore, Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Smith, Sterling, Tanner, Ussery, Webb, Whitson, Withers, Wix and Work—47.

Representatives voting no were: Akard, Baker, Bivens, Buck, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Frensley, Gaia, Henry (Blount), Henry (Roane), Hudson, Hurley, Jared, Kelley, King (Shelby), Lashlee, McAfee, McNally, Richardson, Shirley, Small, Spence, Stallings, Turner, Wallace, Wheeler, Wolfe and Yelton—38.

Representatives present and not voting were: Ford, Huskey, Percy, Shockley and Wood—5.

Mr. McKinney moved the previous question, which motion prevailed by the following vote:

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|------------|----|
| Ayes | 73 |
| Noes | 15 |

Representatives voting aye were: Baker, Bell (Knox), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Ellis, Ford, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lowe, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Spence, Stallings, Sterling, Tanner, Webb, Whitson, Withers, Wix, Work and Yelton—73.

Representatives voting no were: Akard, Bell (Wilson), Davis (Pickett), Duer, Duncan, Frensley, Henry (Blount), Hurley, Lashlee, McAfee, Small, Turner, Wallace, Wolfe and Wood—15.

Thereupon, Senate Bill No. 252 failed to receive a constitutional majority by the following vote:

| | |
|------------------------------|----|
| Ayes | 35 |
| Noes | 48 |
| Present and not voting | 9 |

Representatives voting aye were: Bell (Knox), Brewer, Chiles, Cobb, Covington, Davis (Hamilton), DeBerry, DePriest, Ellis, Hudson, Johnson, Jones, Kent, Kernell, Lowe, McKinney, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton),

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Robinson (Washington), Sterling, Tanner, Ussery, Withers and Work—35.

Representatives voting no were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Carter, Clark (Sumner), Crain, Davidson, Davis (Gibson), Davis (Pickett), Dills, Disspayne, Duer, Duncan, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Kelley, King (Washington), Lashlee, McAfee, McNally, Percy, Robertson, Scruggs, Severance, Shockley, Small, Smith, Stallings, Turner, Wallace, Wheeler, Whitson, Wolfe and Yelton—48.

Representatives present and not voting were: Clark (Davidson), King (Shelby), Richardson, Shirley, Spence, Starnes, Webb, Wix and Wood—9.

Under the rules, Senate Bill No. 252 was re-referred to the Committee on Calendar and Rules.

Mr. Davis (Hamilton) moved that House Bill No. 839 be placed on the Calendar for Monday, May 18, 1981, which motion prevailed.

House Joint Resolution No. 157—Relative to studying Alcoholic Beverage Commission.

Mr. Severance moved that House Joint Resolution No. 157 be adopted.

Mr. Severance moved to amend as follows:

AMENDMENT NO. 1

Amend House Joint Resolution 157 by deleting the word “senate” in the first resolving clause and by substituting instead the words “appropriate standing committee of the senate”.

On motion, the amendment was adopted.

Thereupon, House Joint Resolution No. 157, as amended, was adopted by the following vote:

| | |
|------------|----|
| Ayes | 90 |
| Noes | 2 |

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—90.

Representatives voting no were: Shirley and Spence—2.

A motion to reconsider was tabled.

House Bill No. 1097—To amend Sections 62-602 and 62-621, Code.

On motion, House Bill No. 1097 was made to conform with Senate Bill No. 1138.

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On motion, Senate Bill No. 1138, on same subject was substituted for House Bill No. 1097.

Mr. Hudson moved that Senate Bill No. 1138, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 93 |
| Noes | 1 |
| Present and not voting | 1 |

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

Representative voting no was: McKinney—1.

Representative present and not voting was: Pickering—1.

A motion to reconsider was tabled.

Mr. Moore moved that House Bill No. 23 be placed on the Calendar for Monday, May 25, 1981, which motion prevailed.

House Bill No. 27—To provide certain insurance coverage, state employer.

On motion, House Bill No. 27 was made to conform with Senate Bill No. 107.

On motion, Senate Bill No. 107, on same subject, was substituted for House Bill No. 27.

Mr. Lashlee moved that Senate Bill No. 107 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 90 |
| Noes | 6 |
| Present and not voting | 1 |

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—90.

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Representatives voting no were: Chiles, Copeland, Harrill, Hudson, McAfee and Scruggs—6.

Representative present and not voting was: Moore—1.

A motion to reconsider was tabled.

House Joint Resolution No. 62—Relative to creating study, juvenile court system.

Ms. DeBerry moved that House Joint Resolution No. 62 be adopted.

Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 1

Amend House Joint Resolution No. 62 by deleting from the second resolving clause the second and third sentences in their entirety and substituting instead the following:

Three (3) of the Senators and three (3) of the Representatives of such Committee shall be members of the Judiciary Committee of the respective house and shall be appointed by the respective Chairman of each Committee. The remaining one (1) Senator and one (1) Representative shall be appointed by the Speaker of the respective houses and shall be persons with an interest in or knowledge of juvenile matters.

On motion, the amendment was adopted.

Mr. Spence moved to amend as follows:

AMENDMENT NO. 2

Amend House Joint Resolution No. 62 by deleting the fourth (4th) resolving clause in its entirety.

Mr. Withers moved that the Amendment No. 2 be tabled, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 61 |
| Noes | 24 |
| Present and not voting | 2 |

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Cobb, Covington, Crain, Davidson, Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Ellis, Ford, Frensley, Gill, Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Kernell, King (Shelby), King (Washington), Love, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Starnes, Turner, Ussery, Webb, Wheeler, Whitson, Withers, Wix, Work and Yelton—61.

Representatives voting no were: Baker, Bell (Knox), Byrd, Clark (Sumner), Davis (Gibson), Duer, Duncan, Gaia, Harrill, Hudson, Kelley, Kent, Lashlee, Lowe, Moore, Scruggs, Shockley, Small, Spence, Stallings, Sterling, Wallace, Wolfe and Wood—24.

Representatives present and not voting were: Percy and Tanner—2.

Mr. McNally moved the previous question, which motion prevailed by the following vote:

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|------------------------------|----|
| Ayes | 80 |
| Noes | 5 |
| Present and not voting | 3 |

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Shelby), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wood, Work and Yelton—80.

Representatives voting no were: Bell (Knox), Lowe, Owen, Scruggs and Spence—5.

Representatives present and not voting were: Dills, Kernell and Wolfe—3.

Thereupon, House Joint Resolution No. 62, as amended, was adopted by the following vote:

| | |
|------------------------------|----|
| Ayes | 87 |
| Noes | 4 |
| Present and not voting | 2 |

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, Dills, Disspayne, Duncan, Ellis, Ford, Frensley, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wolfe, Wood, Work and Yelton—87.

Representatives voting no were: Duer, Gaia, Lowe and Spence—4.

Representatives present and not voting were: Pickering and Wix—2.

A motion to reconsider was tabled.

House Resolution No. 30—Relative to study, Veterans Affairs.

Mr. Hillis moved that House Resolution No. 30 be adopted, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 94 |
| Noes | 1 |

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe,

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McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

Representative voting no was: Spence—1.

A motion to reconsider was tabled.

Mr. McKinney moved that House Bills Nos. 858, 859 and 860 be placed on the Calendar for Wednesday, May 20, 1981, which motion prevailed.

House Bill No. 1210—To amend Section 7-60-103, Code.

On motion, House Bill No. 1210 was made to conform with Senate Bill No.549.

On motion, Senate Bill No. 549, on same subject, was substituted for House Bill No. 1210.

Mr. Shirley moved that Senate Bill No. 549 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 97 |
| Noes | 0 |

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

A motion to reconsider was tabled.

House Bill No. 765—To amend Title 8, Chapter 50, Code.

On motion, House Bill No. 765 was made to conform with Senate Bill No. 618.

On motion, Senate Bill No. 618, on same subject, was substituted for House Bill No. 765.

Mr. Bragg moved that Senate Bill No. 618 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 90 |
| Noes | 5 |

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gill,

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Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—90.

Representatives voting no were: Byrd, Gaia, Kent, Kernell and Spence—5.

A motion to reconsider was tabled.

Mr. McKinney moved that House Bills Nos. 1016 and 1015 be placed on the Calendar for Wednesday, May 20, 1981, which motion prevailed.

House Bill No. 881 To issue licenses, sale of alcoholic beverages.

Mr. Richardson moved that House Bill No. 881 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 881 by deleting Section 1 in its entirety and substituting instead the following:

For purposes of determinations of the Alcoholic Beverage Commission a ratio of one (1) retail liquor store for each five thousand five hundred (5,500), or less, residents of such municipalities and counties shall be deemed to be a reasonable ratio.

On motion, the amendment was adopted.

Thereupon, House Bill No. 881, as amended, passed its third and final consideration by the following vote:

| | |
|------------------------------|----|
| Ayes | 61 |
| Noes | 27 |
| Present and not voting | 4 |

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bivens, Bragg, Burnett, Clark (Davidson), Covington, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Ellis, Ford, Frensley, Gill, Henry (Blount), Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Shockley, Smith, Stallings, Starnes, Sterling, Tanner, Wallace, Wheeler, Withers, Work and Yelton—61.

Representatives voting no were: Bewley, Buck, Byrd, Chiles, Clark (Sumner), Crain, Davis (Pickett), Duer, Duncan, Gaia, Harrill, Henry (Roane), Hillis, Hudson, Jones, Kernell, McAfee, Martin, Montgomery, Severance, Small, Spence, Ussery, Webb, Whitson, Wolfe and Wood—27.

Representatives present and not voting were: Brewer, Copeland, Pickering and Wix—4.

A motion to reconsider was tabled.

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House Joint Resolution No. 163—Relative to creating study committees; drug paraphernalia.

Mr. McNally moved that House Joint Resolution No. 163 be adopted.

Mr. McNally moved to amend as follows:

AMENDMENT NO. 1

Amend House Joint Resolution No. 163 by deleting the second resolving clause in its entirety and substituting instead the following:

BE IT FURTHER RESOLVED, That the joint committee be composed of six (6) members and such membership shall be comprised of three (3) Senators and three (3) Representatives to be appointed by the respective speakers.

On motion, the amendment was adopted.

Mr. Spence moved to amend as follows:

AMENDMENT NO. 2

Amend House Joint Resolution No. 163 by deleting the sixth resolving clause in its entirety, substituting instead the following language:

BE IT FURTHER RESOLVED, That the joint study committee shall hold such meetings as it deems necessary over the state WATTS line through conference calls.

Mr. McNally moved that the Amendment No. 2 be tabled, which motion prevailed.

Thereupon, House Joint Resolution No. 163, as amended, was adopted by the following vote:

| | |
|------------------------------|----|
| Ayes | 92 |
| Noes | 2 |
| Present and not voting | 2 |

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

Representatives voting no were: Lowe and Spence—2.

Representatives present and not voting were: McKinney and Pickering—2.

A motion to reconsider was tabled.

Mr. Miller moved that House Bill No. 1141 be placed on the Calendar for Tuesday, May 19, 1981, which motion prevailed.

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Mr. Davis (Hamilton) moved that House Bill No. 994 be placed on the Calendar for Monday, May 18, 1981, which motion prevailed.

House Bill No. 79—To enact Racketeer Influenced Corrupt Organization Act.

Mr. Murphy (Shelby) moved that House Bill No. 79 be passed on third and final consideration.

Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 79 by deleting subsections (a) and (b) of the amendatory language of the second Section— of Section 1 in their entirety and substituting instead the following:

(a) "Racketeering activity" means to commit, to attempt commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(1) Any felony which is chargeable by indictment or information under the following provisions of the Tennessee Code Annotated:

A. Tennessee Code Annotated, Section 39-3503, relating to the procurement of prostitution;

B. Tennessee Code Annotated, Title 39, Chapter 30, and Sections 39-1012—39-1016 and 39-1020, relating to obscenity; and

C. Tennessee Code Annotated, Title 52, Chapters 12, 13, and 14, relating to legend drugs, the narcotic drug law and the drug control law.

FURTHER AMEND by relettering the remaining subsections of the second Section — of Section 1 accordingly.

FURTHER AMEND by deleting subsection (d) of the amendatory language of the second Section — of Section 1 and substituting instead the following:

(d) "Pattern of racketeering activity" means at least three (3) acts of racketeering activity each of which are a part of a particular continuing criminal activity or that are a part of a structured or organized interrelated criminal effort and are not isolated or accidental events; provided at least one (1) of such acts occurred after the effective date of this act and that the last of such acts occurred within one (1) year (excluding any period of imprisonment) after a prior act of racketeering activity.

FURTHER AMEND by deleting the words "or through the collection of an unlawful debt" from subsection (a) and (b) of the third Section — of Section 1.

FURTHER AMEND By deleting the words "or the collection of an unlawful debt" from subsection (c) of the third Section — of Section 1.

Mr. Murphy (Shelby) moved that House Bill No. 79 be placed on the Calendar for Tuesday, May 12, 1981, which motion prevailed.

Mr. Small moved that House Bill No. 1004 be placed on the Calendar for Tuesday, May 12, 1981, which motion prevailed.

Mr. Gill moved that Rule No. 48 regarding the Calendar be suspended for the remainder of the session, which motion prevailed.

CONSENT CALENDAR

OBJECTIONS

Objection were filed to the following bills and resolutions on the Consent Calendar:

Ms. Bell (Knox) objected to House Bill No. 438.

Mr. Bragg objected to House Bill No. 1322.

Under the rules, House Bills Nos. 438 and 1322 were placed at the foot of the Calendar for Tuesday, May 12, 1981.

House Bill No. 1319—To change tax rate, McKenzie Special School District.

House Bill No. 1320—To change tax rate, Trezevant Special School District.

House Bill No. 1321—To regulate elections, Surgoinville.

House Bill No. 1324—To increase tax, South Carroll Special School District.

House Bill No. 1326—To set jurisdiction, Mayors Court, Ridgely.

House Bill No. 1327—To allow Atwood Special School District to set education tax rate.

House Bill No. 1328—To reenact Charter, City of Rives.

House Bill No. 1329—To compensate certain officials, Town of Sharon.

House Bill No. 1330—To authorize Jonesboro to levy privilege tax.

Senate Joint Resolution No. 116—Relative to commending Department of Public Health.

Senate Joint Resolution No. 117—Relative to memory, Mrs. Lillie “Mother Ladd” Mauser.

Senate Joint Resolution No. 118—Relative to memory, Paul L. Andrews.

Senate Joint Resolution No. 119—Relative to commending Professor Georgianna McLarnan.

House Resolution No. 50—Relative to first annual Swine Ball.

House Joint Resolution No. 210—Relative to memory, Rebecca Jennings Thomas.

House Joint Resolution No. 213—Relative to honoring Joe Huffine, Doug Kitzmiller, Lisa Treadway, and Alisa Day.

House Joint Resolution No. 215—Relative to honoring Cleveland High School Band.

House Bill No. 1301—To provide compensation, Deputy Register, Scott County.

House Bill No. 1303—To regulate duties of Election Commission, Scott County.

House Bill No. 1304—To repeal Chapter 594, Private Acts, 1951.

Mr. Gill moved that all House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent

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Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 96 |
| Noes | 1 |

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

Representative voting no was: Copeland—1.

A motion to reconsider was tabled.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 123—Relative to honoring Dr. R.P.Denney.

Under the rules, Senate Joint Resolution No. 123 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 124—Relative to honoring Mrs. Pauline Clemmer.

Under the rules, Senate Joint Resolution No. 124 was referred to the Committee on Calendar and Rules.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution No. 157; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 429, 640, 663, 798, 929, 930, 1011, 1226, 1230 and 1318; also, House Joint Resolution No. 69; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 80, 355, 368,

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461, 509, 556, 593, 624, 639, 689, 702, 815, 878, 995, 1107, 1205, 1219, 1280, 1305, 1306 and 1317; also, House Joint Resolutions Nos. 194, 198, 203 and 219; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

54—To amend Section 8-50-101, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

21—To amend Section 49-603, Code;

502—To appropriate funds, Meharry Medical College; both substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

970—To amend Title 8, Chapter 44, Code;

971—To amend Section 10-7-503, Code;

1270—To amend Section 8-21-1001, Code;

1293—To make certain provisions, municipal elections; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

UNFINISHED BUSINESS

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 71—To make certain provisions, awards of public contracts.

SENATE AMENDMENT NO. 1

Amend House Bill No. 71 by adding the following new sentence to the end of subsection (c) of the amendatory language of Section II:

Provided, however, nothing in this section shall be construed to affect or alter the

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concurrent jurisdiction of the district attorneys' general to prosecute violations of Tennessee Code Annotated, Section 69-101 and 69-102.

SENATE AMENDMENT NO. 2

Amend House Bill No. 71 by deleting from the first sentence of the amendatory language of subsection (c) of Section II the words and punctuation mark “, its political subdivisions of tax-supported institutions or public agencies”.

SENATE AMENDMENT NO. 3

Amend House Bill No. 71 by adding the following to subsection (c) of Section II:

It shall be the duty of the attorney general and reporter to cooperate with and assist any district attorney general upon the request of such district attorney in the commencement, prosecution, defense, preparation and trial of all cases pertaining to such contracts.

SENATE AMENDMENT NO. 9

Amend House Bill No. 71 by adding the following new section:

SECTION . Any person holding the office of Attorney General and Reporter shall be prohibited from qualifying for or being elected to any statewide elective office for a period of two (2) years from the date such person vacated such office.

Mr. Buck moved that the House non-concur in Senate Amendments Nos. 1, 2, 3 and 9, which motion prevailed.

Mr. Naifeh moved that House Bill No. 266 be deferred until May 12, 1981, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 396—To amend Limited Guardianship Proceedings for Disabled Persons Law.

SENATE AMENDMENT NO. 1

Amend House Bill No. 396 by adding at the end of Section 2, subsection (1) the following:

“Provided, however, no person shall be deemed to be disabled for the sole reason that he relies upon or is being furnished treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination, in lieu of medical treatment.”

Mr. Cobb moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 93 |
| Noes | 0 |

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley,

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Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), Lashlee, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 477—To allow condemnation of land, highway purposes.

SENATE AMENDMENT NO. 1

Amend House Bill No. 477 by deleting the word and figure “thirty (30)” in subsection (a) and substituting instead the word and figure “ninety(90)”.

and by adding the following section to subsection (a):

Provided however that any case set for trial prior to the passage of this act shall be continued pursuant to the provisions of this act if a motion for continuance is filed at least forty-five (45) days in advance of the trial date. Upon a motion being filed pursuant to the provisions of this act, if it be timely filed it shall have the affect of continuing the case until the project is substantially completed or for a maximum period of three (3) years, whichever is less in time.

SENATE AMENDMENT NO. 2

Amend House Bill No. 477 by deleting from subsection (b), the language “whether such highway or work thereto is complete or not.” and substituting instead the language “provided the undertaking is substantially complete and such evidence would not misrepresent the same.”

Mr. Buck moved that the House concur in Senate Amendments Nos. 1 and 2, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 91 |
| Noes | 1 |

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter—91.

Representative voting no was: Chiles—1.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 834—To allow reporting fire losses, assist investigations.

SENATE AMENEDMENT NO. 1

Amend House Bill No. 834 by deleting the words “insurance company has reason” and substituting instead the words “insurance company after investigation has reason” in subsection (a) of the amendatory language of Section 1.

SENATE AMENDMENT NO. 2

Amend House Bill No. 834 by changing the period (.) at the end of paragraph (1) of subsection (f) to a comma (,) and by adding the following words and symbols:

“and, solely for the purpose of subsection (b), means, (i) the Federal Bureau of Investigation or any other Federal agency and, (ii) the United States Attorney’s Office when involved in an investigation or prosecution involving the fire in question.”

and further amended by deleting from page 4 the following words and figures:

“and, solely for the purpose of subsection (b):

- (4) The Federal Bureau of Investigation or any other Federal agency;
- (5) The United States Attorney’s Office when involved in an investigation or prosecution involving the fire in question.”

Mr. Kent moved that the House concur in Senate Amendments Nos. 1 and 2, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 93 |
| Noes | 2 |

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter—93.

Representatives voting no were: DeBerry and Harrill—2.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 953—To make provisions withdrawal for office of candidate.

SENATE AMENDMENT NO. 1

Amend House Bill No. 953 by inserting in the amendatory language of Section 1

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between the words “competent medical authority” and the words “, or is declared ineligible” the following language:

“, or is forced to change his residence by his employer for a job related reason.”

SENATE AMENDMENT NO. 2

Amend House Bill No. 953 by adding the following at the end of the amendatory language of Section 1:

Provided, however, a political party's candidate may withdraw for reasons other than those stated in this act, but the political party may make no further nomination for the position in question.

SENATE AMENDMENT NO. 3

Amend House Bill No. 953 by inserting in the amendatory language of Section 1 between the words “because of” and the words “physical or mental disability”, the following language:

military call up for the draft, or

Mr. Yelton moved that the House concur in Senate Amendment No. 1, 2 and 3, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 80 |
| Noes | 13 |
| Present and not voting | 2 |

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Henry (Blount), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Shelby), Lashlee, Love, Lowe, McKinney, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—80.

Representatives voting no were: Chiles, Cobb, Frensley, Harrill, Henry (Roane), Hudson, Kernell, King (Washington), McAfee, McNally, Robertson, Robinson (Washington) and Ussery—13.

Representatives present and not voting were: Spence and Wix—2.

A motion to reconsider was tabled.

Mr. Kelley moved that House Bill No. 1073 be deferred until May 12, 1981, which motion prevailed.

NOTICE PURSUANT TO RULE NO. 57

Pursuant to Rule No. 57, sponsors gave notice of their intentions to consider the following measures from the Senate on Tuesday, May 12, 1981:

Senate Bill No. 753—Rhinehart

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House Bill No. 377—Turner

House Bill No. 502—Robinson (Hamilton)

House Bill No. 609—Cobb

House Bill No. 690—Montgomery

House Bill No. 1244—Robinson (Washington)

INTRODUCTION OF BILLS

Mr. Ford moved that the rules be suspended for the purpose of introducing House Bill No. 1339 out of order, which motion prevailed.

House Bill No. 1339—To create a Board of Highway Commissioners, Cocke County—By Ford and Bewley.

Passed first consideration.

Mr. Kelley moved that the rules be suspended for the purpose of introducing House Bill No. 1342 out of order, which motion prevailed.

House Bill No. 1342—To revise boundaries, Huntington Special School District—By Kelley and Lashlee.

Passed first consideration.

Ms. DeBerry moved that the rules be suspended for the purpose of introducing House Resolutions Nos. 54 and 55 out of order, which motion prevailed.

House Resolution No. 54—Relative to honoring Rhoda Yvonne Johnson—By DeBerry.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Ms. DeBerry, the resolution was adopted.

A motion to reconsider was tabled.

House Resolution No. 55—Relative to honoring Hurbert L. Lester, Jr.—By DeBerry.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Ms. DeBerry, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Speaker McWherter resumed the Chair.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamil-

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ton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—98.

INTRODUCTION OF RESOLUTION

House Joint Resolution No. 220—Relative to congratulations, Jo. Alison Labertini—By Wheeler.

Under the rules, House Joint Resolution No. 220 was referred to the Committee on Calendar and Rules.

INTRODUCTION OF BILLS

House Bill No. 1334—To amend Chapter 689, Private Acts, 1937—By Robinson (Hamilton) and Davis (Hamilton).

Passed first consideration.

House Bill No. 1335—To create Probate and Juvenile Court, Humphreys County—By Pickering and Work.

Passed first consideration.

House Bill No. 1336—To amend Section 67-1105, Code—By Bragg.

Passed first consideration.

House Bill No. 1337—To amend Charter, Clarksville—By Pickering and Ussery.

Passed first consideration.

House Bill No. 1338—To create Shelby County Agri-Center Commission—By Byrd, Dill, Moore, Sterling, Small, Kernell, Withers, Shirley, DeBerry, Jones, Turner, Gaia, Murphy (Shelby), Kent, King (Shelby), Martin and Mr. Speaker McWherter.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 87—To restructure Eighth Judicial Circuit.

Passed first consideration.

Senate Bill No. 151—To appropriate funds, prisoner work program.

Passed first consideration.

Senate Bill No. 545—To expedite justice, Davidson County.

Passed first consideration.

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Senate Bill No. 546—To provide additional positions, 10th Judicial Circuit.

Passed first consideration.

Senate Bill No. 642—To enact General Sessions Criminal Court Act of 1981.

Passed first consideration.

Senate Bill No. 1022—To amend Title 7, Chapter 60, Code.

Passed first consideration.

Senate Bill No. 1061—To amend Title 13, Chapter 23, Code.

Passed first consideration.

Senate Bill No. 1115—To regulate duties, Industrial Development Authority.

Passed first consideration.

Senate Bill No. 1130—To enact "Foster Care Contributions Act of 1981".

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1331—To revise Charter, Hollow Rock.

Passed second consideration and held without reference.

House Bill No. 1332—To amend Title 67, Chapter 20, Code.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1333—To amend Title 67, Chapter 11, Code.

Passed second consideration and referred to Committee on State and Local Government.

REPORT OF DELAYED BILLS COMMITTEE

Pursuant to Rule No. 76, the Delayed Bills Committee has met and approved House Bill No. 1336 for consideration by the appropriate standing committee.

Ned R. McWherter

James M. Henry

S. Thomas Burnett

STANDING COMMITTEE REPORT

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 279, 332, 421, 955 (with amendment), 983 (with amendments), 1146 (with amendment), 1179 and 1215 (with amendment).

BRAGG, *Chairman.*

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Under the rules, House Bills Nos. 279, 332, 421, 955, 983, 1146, 1179 and 1215 were transmitted to the Committee on Calendar and Rules.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Tuesday, May 12, 1981: House Joint Resolutions Nos. 171 and 116, House Bills Nos. 380, 806, 1315, 504, 811, 1170, 1279, 764, 1006, 300, 125 and 1009.

GILL, *Chairman.*

LOCAL BILL TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local, bill having received authorization for passage by the local legislative delegation, was transmitted to the Committee on Calendar and rules: House Bill No. 1331.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 127—Relative to study, retirement benefits, certain persons; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.
600—To amend Section 2-5-101 and 2-5-104, Code;
1053—To amend Section 12-4-106, Code;
1232—To amend Title 57, Chapter 4, Code;
1329—To amend Chapter 689, Private Acts 1937; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.
178—To make certain provisions, consolidated retirement system.

The Senate withdrew Senate Amendments Nos. 2, 4, 5 and 6, then repassed the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.

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77—To amend Section 36-801, Code.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.

239—To regulate purchase, certain jewelry, precious metals.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

1145—To regulate Board of Claims.

The Senate refused to recede from its action in adopting Senate Amendments Nos. 1, 2 and 3.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.

75—To amend Sections 37-207 and 37-217, Code.

The Senate nonconcurred in House Amendment No. 2.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.

420—To amend certain regulations, Department of Safety.

The Senate nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

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House Bill No. 1004—Clark (Sumner) and Kent.

House Bill No. 1164—Ford.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 881, 1301, 1303, 1304, 1319, 1320, 1321, 1324, 1326, 1327, 1328, 1329 and 1330; and House Joint Resolutions Nos. 62, 163, 210, 213 and 215; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

On motion of Mr. Burnett, the House adjourned until 2:00 p.m. tomorrow.